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3 **UNITED STATES DISTRICT COURT FOR THE**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **OAKLAND DIVISION**  
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7 AFRICAN AMERICAN TOBACCO CONTROL ) Case No. 4:24-cv-1992-HSG  
8 LEADERSHIP COUNCIL, ACTION ON )  
9 SMOKING AND HEALTH, NATIONAL ) **ORDER GRANTING MOTION FOR**  
10 MEDICAL ASSOCIATION, AMERICAN ) **LEAVE TO FILE BRIEF OF AMICI**  
11 MEDICAL ASSOCIATION, LISA MITCHELL, ) **CURIAE PUBLIC HEALTH LAW**  
12 DARYL THOMAS, LILA JUNE, LASHELLE ) **CENTER, ASIAN PACIFIC PARTNERS**  
13 ULLIE, and BEN SMITH, ) **FOR EMPOWERMENT, ADVOCACY,**  
14 ) **AND LEADERSHIP, ASSOCIATION**  
15 ) **OF STATE AND TERRITORIAL**  
16 ) **HEALTH OFFICIALS, CENTER FOR**  
17 ) **BLACK HEALTH & EQUITY,**  
18 ) **CHANGELAB SOLUTIONS, LEGAL**  
19 ) **RESOURCE CENTER FOR PUBLIC**  
20 ) **HEALTH POLICY, MASSACHUSETTS**  
21 ) **ASSOCIATION OF HEALTH BOARDS,**  
22 ) **NATIONAL LGBTQI+ CANCER**  
23 ) **NETWORK, AND PUBLIC HEALTH**  
24 ) **ADVOCACY INSTITUTE IN SUPPORT**  
25 ) **OF PLAINTIFFS' OPPOSITION TO**  
26 ) **DEFENDANTS' MOTION TO DISMISS**  
27 ) **(as modified)**  
28 ) **(Administrative Procedure Act Case)**

Plaintiffs,

vs.

U.S. DEPARTMENT OF HEALTH AND  
HUMAN SERVICES, XAVIER BECERRA, in  
his official capacity as Secretary of the U.S.  
Department of Health and Human Services; U.S.  
FOOD AND DRUG ADMINISTRATION;  
ROBERT CALIFF, in his official capacity as  
Commissioner of the U.S. Food and Drug  
Administration; CENTER FOR TOBACCO  
PRODUCTS; and BRIAN KING in his official  
capacity as the Center for Tobacco Products,  
Director,

Defendants.

**DATE:** January 16, 2025

**TIME:** 2:00 p.m.

**Judge:** Hon. Haywood S. Gilliam, Jr.


**Place:** Courtroom 2, 4th Floor, Oakland

1 On November 26, 2024, nonparties Public Health Law Center, Asian Pacific Partners for  
2 Empowerment, Advocacy and Leadership, Association of State and Territorial Health Officials,  
3 Center for Black Health & Equity, ChangeLab Solutions, Legal Resource Center for Public Health  
4 Policy, Massachusetts Association of Health Boards, National LGBTQI+ Cancer Network, and  
5 Public Health Advocacy Institute filed a motion for leave to file a brief as amici curiae in support of  
6 Plaintiffs' opposition to Defendants' Motion to Dismiss. The Court has considered the points  
7 contained therein and now finds the matter is appropriate for resolution.

8 For good cause shown, the motion for leave is **GRANTED** and counsel is directed to e-file  
9 on the docket the proposed amicus brief submitted with the motion. The arguments considered  
10 therein will be taken under advisement by the Court and considered as it deems appropriate in the  
11 ultimate disposition of this matter.

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13 **IT IS SO ORDERED.**

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16 DATED: 11/27/2024

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United States District Court  
Judge Haywood S. Gilliam, Jr.